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6 DOMESTIC VIOLENCE TASK FORCE VIRTUAL MEETING -

7 January 25, 2022

8 Held via Webex

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11 PRESENT:

12 Hon. Anna Barbara Hantz Marconi,

13 Associate Justice, New Hampshire Supreme Court

14 Hon. Susan Carbon, Circuit Court Judge

15 Hon. Diane Nicolosi, Superior Court Judge

16 Hon. John Yazinski, Circuit Court Judge

17 Mary Barton, Clerk, Circuit Court

18 Merrill Beauchamp, Director, Victim &

19 Witness Program

20 Kathy Beebe, Executive Director, Haven NH

21 Kristyn Bernier, Investigator, Belknap

22 County Attorney's Office

23 Steven Endres, Assistant County Attorney,

24 Merrimack County

25 Martha Ann Hornick, Grafton County



1 Attorney

2 Mary Krueger, Attorney, NHLA

3 Lynda Ruel, Director, Office of

4 Victim/Witness Assistance, NH DOJ

5 Scott Hampton, Director, Ending the

6 Violence

7 David Hobbs, Hampton, NH Association of

8 Chiefs of Police

9 Lyn Schollett, Executive Director, New

10 Hampshire Coalition

11 Amanda Grady Sexton, Director of Public

12 Affairs, New Hampshire Coalition

13 Jon Strasburger, New Hampshire

14 Association of Criminal Defense Attorneys

15 David Vicinanzo, Attorney, DOVE Program

16 Patricia LaFrance, Attorney, The Black

17 Law Group

18 Betsy Paine, Attorney, CASA NH

19 Sarah Freeman, Circuit Court

20 Administrator

21 Erin Jasina, Director, NHLA DV Program

22 Anne Zinkin, NHSC Supervisory Law Clerk

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JUDGE HANTZ MARCONI: Hello task

force on DV cases in the judicial system.

This is our meeting to discuss Charge 5, explore opportunities to increase access to legal counsel and advocates. Before we do that though, I want to take stock of where we are, where we're going, how we're going to do this because it's just a lot and I know we've been doing these meetings, two a week, kind of breakneck speed on a broad topic, which has taken lots of twists and turns and detours. We had a wonderful public hearing last week. We are gathering comments still through the comment line, the email line, and I believe the phone line. So there's a lot of information. And I know we feel like we are barely touching upon the issues in these hour-plus sessions. So there is a method to the madness.

21 You, members of the task force, are  
22 people who have been brought together  
23 because of your experience in this area.  
24 So the method, which I tried to relay, is  
25 to focus on different, on each of the

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1 charges and pull that information from  
2 your experienced brains; either through  
3 this discussion, which sparks things and  
4 then afterwards or before; as you submit  
5 things. So for example, on the issue of  
6 expanding the definition of domestic  
7 violence, we've been directed to statutes  
8 in Hawaii and, like Oregon, if you will,  
9 that are two states who have ventured  
10 into that arena.

11 MS. ZINKIN: California.

12 JUDGE HANTZ MARCONI: California,  
13 sorry. So and that is just, that's sort  
14 of the purpose of this discussion, is to  
15 share, trigger, and provide a basis.

16 We have five people, Jean Kilham,  
17 Erin Jasina, Anne Zinkin from our, I'll  
18 put her aside. Sarah -- I'm thinking  
19 Sarah Palermo (ph.), that's not right,  
20 Freeman and Pam Dodge, who I look at as  
21 people who spend or spent in Sarah's  
22 case, we know it's their job to focus on  
23 domestic violence. These are domestic  
24 violence program managers, so that's what  
25 they do.



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1                   And Anne has been volunteered by the  
2                   court to join that effort to pull the  
3                   comments, the suggestions, the input and  
4                   put structure to it and try and write  
5                   this report, which can then be circulated  
6                   back to the task force for further input  
7                   and massaging, but I'm not expecting this  
8                   group to write the report. I think that  
9                   would be unwieldy and not sort of -- not  
10                  in line with your other jobs that you're  
11                  all doing.

12                  So input on that process I'm happy  
13                  to receive, but that's kind of the point  
14                  of this process is to touch upon these  
15                  issues. We are not reinventing the  
16                  wheel. I think there's been a lot of  
17                  thought homework done over the years by  
18                  lots of different groups. And if we can  
19                  pull the best of that knowledge to form  
20                  the basis for our recommendations, that's  
21                  what we're trying to do to get it done in  
22                  this time frame.

23                  So any thoughts or questions on the  
24                  process? We do have these wonderful, I  
25                  call them our work group, our scriveners,



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1                   our executive committee, whatever you  
2                   want to call them, to pull together  
3                   everything that we talk about and at the  
4                   time. And I'm sure they might have  
5                   comments about why are you doing this to  
6                   me. But we're not going to hear those at  
7                   this point in time. So anything from  
8                   anybody? Long process, feeling  
9                   overwhelmed yet? Okay.

10                  Charge 5, and again, this is an area  
11                  where I know a lot of people, Pam, have  
12                  done a lot of work over the years. And I  
13                  know too or have learned since I've  
14                  started this process that advocates also  
15                  have the provision of sufficient  
16                  advocates is also an area that has been  
17                  looked at by various stakeholder  
18                  organizations over time.

19                  So I will kick this off in the  
20                  advocacy community. I just note that we  
21                  have various, I'll call them silos of  
22                  advocates. We have the victim witness  
23                  advocate community. We have the  
24                  advocates through the crisis centers. I  
25                  don't know, and again, there is funding,



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1 right? I don't know if all these  
2 advocates work the same or whether there  
3 are different models for the provision of  
4 advocacy services and whether there's  
5 room for, my understanding is, most  
6 advocates are paid at this point in time.  
7 I also understand that in the past there  
8 have been, kind of along the CASA model,  
9 volunteer advocates. So I would like to  
10 hear whether there are reasonable  
11 opportunities for increasing the advocacy  
12 community. If anyone wants to weigh in.

13 MS. BEEBE: I'll jump in. We  
14 currently have paid staff that are our  
15 advocates, but we also, in the past and  
16 sometimes currently, have volunteers.  
17 Volunteers are a little bit harder to  
18 train to do this work because they're not  
19 available consistently enough that they  
20 have the ability to go to court  
21 accompaniments and be able to provide the  
22 assistance (indiscernible) or have the  
23 experience to deal with some of the more  
24 complications that come with that safety  
25 planning that often arise.



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1                   There's definitely a need to  
2                   increase the capacity of advocates  
3                   because we have our own set of challenges  
4                   in terms of how people access an  
5                   advocate, and sometimes it comes where  
6                   they directly contact us and we're able  
7                   to make the arrangements to be there.  
8                   Other times we're relying on the courts  
9                   to notify us, and that's done in  
10                  different ways. Some will fax over court  
11                  slips to us, some will make us come pick  
12                  them up, and some don't even know about  
13                  them.

14                  And then the other challenge with  
15                  that is that when we have (indiscernible)  
16                  we sometimes and often, don't hear back  
17                  from them in order to (indiscernible)  
18                  that connection so that (indiscernible)  
19                  there. I'm starting to look  
20                  (indiscernible) we're trying to assess  
21                  how many situations happen where is it a  
22                  capacity issue, not an advocate able to  
23                  (indiscernible) or is it a system issue  
24                  of us not being given the information to  
25                  (indiscernible).

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1                   But looking at the numbers of these  
2                   cases that go to the courts that cover,  
3                   it may be (indiscernible) that we cover,  
4                   and looking at our numbers, there's a big  
5                   discrepancy there in terms of how many  
6                   we're actually at in providing services  
7                   to versus how many are actually  
8                   happening. So we do have the additional  
9                   challenge of there being seven courts,  
10                  upwards of six accompaniments a day and  
11                  limited staff to be able to do them.

12                  MS. HORNICK: Kathy, I'm sorry, I  
13                  didn't catch all of that because you're  
14                  kind of going in and out. You said the  
15                  issue was you have seven somethings and  
16                  you have six somethings so I --

17                  MS. BEEBE: We have seven courts  
18                  that we provide accompaniments to. And  
19                  so we can have upwards of six hearings a  
20                  day throughout our geographic region in  
21                  addition to all of our other  
22                  accompaniments that we do, with child  
23                  advocacy centers and other things, so the  
24                  capacity issue is huge.

25                  And that's why it's concerning to me



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1       when I look at how many cases were in  
2       those seven courts versus how many  
3       accompaniments the actual  
4       (indiscernible). And I know that is an  
5       issue capacity wise for the other crisis  
6       center program as well.

7                     JUDGE HANTZ MARCONI: And so -- and  
8       I understand, and of course the Access to  
9       Justice Commission is also looking at  
10      again, how you manage your volunteers,  
11      manage volunteers in a situation that  
12      needs immediate response. You know, how  
13      do you have that sort of accessibility if  
14      there were and a volunteer add-on if you  
15      will.

16                  I wonder too if dividing tasks, some  
17      are more pressing than others, or we  
18      talked before about assistance filling  
19      out petitions, which sometimes there's  
20      more advanced time to perform that  
21      function so. And then the question is,  
22      is it strictly more funding. If there  
23      were more funding for more advocates,  
24      could the crisis centers handle more  
25      advocates, or then are we talking space



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1 and resources and other things?

2 MS. BEEBE: I mean, I like the model  
3 of there being advocates available at the  
4 courts because the travel is another  
5 piece of time in terms of where they're  
6 coming from in order to get to the courts  
7 and the courts (indiscernible).

8 JUDGE HANTZ MARCONI: So if there  
9 are thirty-four -- let's say, thirty-four  
10 court locations, roughly, you would be  
11 talking about staffing advocates there on  
12 a five-day-a-week basis. And then --

13 MS. HORNICK: Do you --

14 JUDGE HANTZ MARCONI: Go ahead.

15 MS. HORNICK: I was just going to  
16 ask, we've been all made very aware of  
17 the inability to find people to fill  
18 certain positions. I mean, I think,  
19 people are as aware that is I have  
20 become. Is that a potential issue that  
21 you see also, Kath (phonetic), the sort  
22 of trained, educated, interested people  
23 to fill -- I mean that's a lot of, just  
24 the way --

25 MS. SEXTON: Yeah. Marcy, I think



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1           that's a great point. And I would say  
2           that we have twelve bona fide crisis  
3           centers, so those are advocates that have  
4           confidentiality under RSA 173-C. And  
5           every program is very different, and  
6           every program has different capacity.

7           Every program, I'll say, is struggling  
8           with turnover and inability to hire, and  
9           high burnout rates, especially during  
10          this pandemic. And I know that  
11          previously we had submitted some  
12          information that kind of gave a broader  
13          overview of this is what advocates  
14          training involves, what sort of the  
15          average pay.

16           I'm not sure if folks have had an  
17          opportunity to look at that, but I think  
18          the one takeaway is that the core  
19          services that advocates provide, one of  
20          the most important things, is assisting  
21          people through these 173-B and 633:3-a  
22          processes, and that is people, our crisis  
23          centers are primarily and hoping to make  
24          themselves available for that process.

25           That's one of the most important



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1 things they do when they're available to  
2 do that. That's not always going to be  
3 the case at the twelve different centers.  
4 It really is going to be a capacity  
5 issue.

6 There was an earlier question about  
7 the difference between domestic violence  
8 advocates and system based advocates. I  
9 know that we have Merrill and Lynda, who  
10 are here, who do the systems base work,  
11 but that's on the criminal side, and  
12 there are no civil based advocates that  
13 are assisting.

14 And I think it's also important to  
15 note that through the crisis center  
16 advocates, their job is not -- they're  
17 not lawyers, they do not, you know, that  
18 would be unauthorized practice of law,  
19 they're not drafting petitions for folks.  
20 But they are helping them to understand  
21 what the requirements are, which of  
22 course, I think, we've discussed would be  
23 advantageous for us to be able to break  
24 those down with more clarity so that  
25 advocates can be able to help pro se



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1 litigants be able to truly understand  
2 what all of the requirements are in order  
3 to get a temporary or a final order.

4 JUDGE HANTZ MARCONI: Right. Take  
5 the legal advice of it and make it  
6 more --

7 MS. SEXTON: Straightforward.

8 JUDGE HANTZ MARCONI: Yeah. More  
9 straightforward, more fill in the blank  
10 and less, I mean, I call it sort of  
11 paralegal, but also just your friend  
12 who's there to help you but really not.  
13 I'd like to break down that barrier  
14 against sort of feeling like they're  
15 advocating or advising in the practice of  
16 law. Although, it's the same thing that  
17 court staff have, that same sort of, and  
18 more so with the court staff because they  
19 can't offer legal advice ex parte to one  
20 side or the other.

21 So there is that hurdle, and I would  
22 love to see a way to break that down via  
23 the crisis centers, so that the  
24 information can get through. Yes?

25 MS. FREEMAN: Can I ask a question



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1           about funding? About fifteen years ago I  
2           was a AmeriCorps AVAC advocate, and a  
3           number of us were trained specifically to  
4           help people in the courthouses to fill  
5           out petitions. We weren't drafting them  
6           necessarily, but we were definitely  
7           sitting there with a statute and helping  
8           people fill them out and exploring  
9           options.

10           It seems like there's been a shift  
11           in the funding model where there's been  
12           more funding put towards housing  
13           advocates and perhaps some other types of  
14           advocates. So has there been a shift in  
15           some of the federal dollars that are  
16           going out to the crisis center and  
17           perhaps that's causing some of this  
18           change, or is that off base?

19           MS. BEEBE: I mean, they're still be  
20           funding for AmeriCorps. I think the  
21           challenge with AmeriCorps has been  
22           getting AmeriCorps applicants to do this  
23           work given the high turnover that we were  
24           just talking about in people's ability to  
25           get other jobs. We have gotten



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1 additional funding to increase our  
2 housing work, but the funding that we  
3 utilize to do these types of services has  
4 not gone away. So that's not the impact  
5 other than it's the need has increased  
6 for us to respond.

7 MS. SEXTON: Yeah, Sarah, I'm  
8 wondering if you're thinking about -- so  
9 there has been a shift in the sort of  
10 categories that AmeriCorps funding goes  
11 toward, and one of those is the financial  
12 empowerment area, which is where our  
13 crisis center advocates fall under. And  
14 so quite a bit of the work of the  
15 AmeriCorps advocates at this time is  
16 still working, of course, doing their  
17 court based advocacy of the safety  
18 planning but also doing the educational  
19 pieces related to the financial abuse  
20 that they are experiencing. So there has  
21 been a little bit of shift in terms of  
22 the programming and the requirements for  
23 AmeriCorps.

24 MS. BEEBE: And just to give you an  
25 example at one point there was probably



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1           twenty-six or so AmeriCorps members  
2           around the state, and last year there was  
3           only nine. So it's really been a  
4           challenge, and for HAVEN that's been four  
5           additional full time staff positions that  
6           went down to one-and-a-half and now at  
7           two.

8           FEMALE SPEAKER: But if I recall --

9           JUDGE HANTZ MARCONI: So the decline  
10          in AmeriCorps is systemic or cyclical or  
11          what?

12          MS. BEEBE: Well, I think it just  
13          speaks to the fact that we need to fill  
14          that capacity to do the advocacy, whether  
15          it's through a venue like AmeriCorps or  
16          having the resources to have more staff.

17          It was just a benefit to us because to  
18          have full time people where we were only  
19          paying the cash match versus full time  
20          paying of benefits and everything else  
21          for staff assistants to hire four full  
22          time people to replace them at this  
23          period in time.

24          JUDGE HANTZ MARCONI: So crazy  
25          question, but that's what I'm here for.

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1       If we consolidated dockets, domestic  
2       violence dockets, to not one but maybe  
3       regional arenas, it would cut down the  
4       number of court locations that you'd need  
5       to have, quote, advocates and legal  
6       counsel for that matter available. Does  
7       that make sense to look into? It would  
8       cut down on access, it's always a double  
9       edged sword. You concentrate domestic  
10      violence cases in one or two courts in a  
11      region, if you will, now people are  
12      traveling.

13                   MR. STRASBURGER: One concern I  
14       would have if we were to consider  
15       consolidating the domestic violence  
16       matters in centralized locations versus  
17       having a separate family division preside  
18       locally and regionally over those cases  
19       is, back when the family division was  
20       started there was this general notion of  
21       one family, one judge, who you could have  
22       a family division judge who's presiding  
23       over a pending parenting case or a  
24       divorce action and also a domestic  
25       violence petition or in some cases in the



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1 circuit court a 633 stalking petition  
2 matter. And I think that there would be  
3 potentially some risk of having a  
4 situation where you have a court that has  
5 pending parenting matters before it,  
6 either in a parenting case or a pending  
7 divorce matter. And now there's going to  
8 have to be another court with another  
9 judicial officer who doesn't have the  
10 experience with that particular family  
11 and those parties, having to decide the  
12 domestic violence petition matter.

13 So that would just be one concern.  
14 I mean, I think, pragmatically,  
15 consolidating domestic violence petitions  
16 into regions would address a lot of the  
17 concern about having advocates and  
18 counsel for that matter, I guess, in  
19 different spots.

20 But that would just be my one  
21 concern because I have seen it really  
22 make a difference for people when you  
23 have a single judicial officer very  
24 familiar with the parties. And often, as  
25 I've said before in our meetings, the



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1 domestic violence petition matter is the  
2 first substantive matter that gets heard  
3 by the court. And I think that makes a  
4 difference when the court down the line  
5 has to also consider maybe a pending  
6 parenting case or a divorce case. So  
7 that would just be my one concern would  
8 be having them have multiple family  
9 division courts deal with the same  
10 family.

11 JUDGE HANTZ MARCONI: Right. Unless  
12 like in complex docket cases the DV  
13 attached case moves the whole case to  
14 that court. And again, that would have a  
15 host of logistics problems, but I hear  
16 the concern.

17 I think one thing that has come up  
18 that we're probably going to put on for  
19 Charge 7 is that intersection between DV  
20 and family cases. Sometimes it came up  
21 at the public hearing whether or not  
22 mediation in a connected case is  
23 appropriate. I think the statute starts  
24 to and the protocol start to address it,  
25 but it doesn't always come through. So



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1           that may be previews of coming  
2           attractions, but yes, when you do  
3           separate one from the other, I think that  
4           causes problems or at least it sounds  
5           like it could.

6           Another crazy idea, and again,  
7           that's what I'm here for, is affinity  
8           groups, and I do think of this, churches  
9           and again I'm thinking CASA model but  
10          more, education institutions, businesses,  
11          business groups. I would foresee people,  
12          professionals, retirees who would be  
13          willing and, in fact, interested in  
14          training and being dependable advocates  
15          in this space. And I just wonder if  
16          there's been any experience with  
17          reaching, outside of the legal community  
18          but into social groups, church groups,  
19          groups that sort of do-good groups that  
20          do good. And so I wonder what people  
21          think of that?

22           MS. PAIN: Your Honor, if I may  
23          speak wearing my CASA hat, you know, we  
24          provide a tremendous amount of structure  
25          in terms of paid staff who supervise all



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1           those volunteers, and you're right, we  
2           are up to over 630 volunteers around New  
3           Hampshire who take CASA cases. And we  
4           limit the number they can take, they can  
5           only take two. And we do have to tailor  
6           it so that they're -- we have coverage if  
7           they're not immediately available for  
8           say, a preliminary hearing, the staff is  
9           involved. And so there is a staffing  
10          component to building that kind of  
11          capacity.

12           And there's a structural component,  
13          there are seven regional offices now. I  
14          mean, I think the crisis centers have  
15          that structure, and the system is built.  
16          But to build it out to support the kinds  
17          of volunteers that you would need is  
18          another sort of significant effort, I  
19          think.

20           JUDGE HANTZ MARCONI: Right. And  
21          the question is, can you create and train  
22          managers? Chicken and egg; do you just  
23          keep hiring advocates, or can you create  
24          trained managers to exponentially expand  
25          the pool of available people? And that's



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1 a bigger question as well. But something  
2 I think to be explored.

3 MS. SEXTON: I think every crisis  
4 center does have a pretty robust program  
5 for advertising for volunteers and have  
6 many volunteers that do work in the  
7 courtrooms as well as on the hotlines. I  
8 think that it would certainly be very  
9 helpful if folks could help with that  
10 effort to encourage people to do this  
11 work.

12 I think, again, it will become a  
13 capacity issue. I don't know how much  
14 more it can be expanded. I think that  
15 would be dependent upon each center, but  
16 all of those groups that you mentioned  
17 are tapped into when advertising for  
18 volunteers.

19 JUDGE HANTZ MARCONI: Good. And I  
20 also think there is -- well, there is  
21 going to be continuing effort with the  
22 Access to Justice Commission to look at,  
23 again, ways of leveraging --

24 MS. SEXTON: Yeah.

25 JUDGE HANTZ MARCONI: -- volunteers



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1       with a management central structure. You  
2       know, pilot program and landlord-tenant.

3       But I think this could be part of that  
4       ongoing effort.

5           MS. BEEBE: The only piece I would  
6       add to that though is that what we see  
7       with our volunteers that we use from,  
8       again, we tap into all of those places,  
9       is that it takes some time for someone to  
10      be comfortable going on their own to a  
11      court accompaniment, particularly because  
12      of not the court procedural stuff but the  
13      safety planning stuff. That people need  
14      some time to answer the hotline and get  
15      comfortable doing that work with someone  
16      in the very next room or same room that  
17      they can get support and help from if  
18      they're struggling. But to go out and go  
19      to a court accompaniment, it takes a  
20      while. So our volunteers tend to do the  
21      other work so that our paid staff that  
22      are more seasoned (indiscernible).

23           MS. DODGE: Can I just ask too? I'm  
24       curious what the agencies, individual  
25       agencies have for financial support to



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1 provide oversite of volunteers. If you  
2 build up a really significant volunteer  
3 staff, you still have to have paid staff  
4 to manage them. And so my question is,  
5 there has to be a lot of funding. And  
6 what's the right salary for that kind of  
7 position because you certainly need very  
8 highly trained skilled managers to take  
9 over volunteers. And so how much money  
10 is enough money to put into the system to  
11 make it work?

12 MS. BEEBE: I will say that we have  
13 two full-time positions that oversee the  
14 volunteers.

15 MS. DODGE: Um-hum.

16 MS. BEEBE: So we have a volunteer  
17 manager, and then we have like a client-  
18 service volunteer supervisor that helps  
19 to do the ongoing check ins and making  
20 sure people are up with their training  
21 and all of these. It is an investment,  
22 but at the same time we could not provide  
23 the level of services that we do with  
24 twenty-six paid staff and not the  
25 additional thirty plus client service



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1 volunteers that we have helping us.

2 JUDGE HANTZ MARCONI: And the  
3 manager positions' funding, if you will,  
4 comes through the regular grant for the  
5 whole operation, or are these separate  
6 pieces that cover different aspects?

7 MS. BEEBE: So some of that funding  
8 is, some of our federal and state funding  
9 can be used for that because they're  
10 working with folks doing the allowable  
11 activities. Other funds --

12 JUDGE HANTZ MARCONI: Yes.

13 MS. BEEBE: -- are our regular  
14 fundraising efforts too.

15 JUDGE HANTZ MARCONI: Interesting.

16 MS. BEEBE: Yes.

17 MS. SEXTON: I just pulled some  
18 numbers from a recent report, and it  
19 looks like in 2021 collectively with our  
20 twelve programs, volunteers providing  
21 nearly 60,000 hours of direct service  
22 work. So it is a robust program, and I  
23 think --

24 JUDGE HANTZ MARCONI: Not to put you  
25 on the spot, compared to hours of paid



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1 staff, I mean, we don't need that today,  
2 but it would be interesting to see the  
3 breakdown.

4 MS. FREEMAN: It would be  
5 interesting to see if it was primarily  
6 crisis line work where if any of those,  
7 or a substantial number of those hours  
8 are going to accompaniment for their  
9 (indiscernible) court, whatever that may  
10 be because you're right, that is a  
11 different skill set that takes longer to  
12 develop.

13 JUDGE HANTZ MARCONI: Yes.

14 MS. SEXTON: And a training  
15 requirement under the statute in order to  
16 have confidentiality. So that's --

17 JUDGE HANTZ MARCONI: Right.

18 MS. SEXTON: -- people have to be  
19 committed to pretty extensive training in  
20 order to do this work.

21 JUDGE HANTZ MARCONI: Yes.

22 MS. BEEBE: It's also why we tend to  
23 find the volunteers that have jobs that  
24 can do our night time twenty-four hour  
25 support work and less people that can be



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1 available during the day to do  
2 accompaniments.

3 JUDGE HANTZ MARCONI: All right.

4 Pivoting to legal assistance, unless  
5 people have more to say on advocates.

6 Again, this isn't the end of the  
7 conversation, feel free to --

8 CHIEF HOBBS: What do other states  
9 do? Do other states rely as much on  
10 volunteers or these advocates as New  
11 Hampshire? I would just be interested in  
12 what other people are doing. I think  
13 it's in one of the recommendations in the  
14 initial report was to expand upon the  
15 advocates at the hearings, but I'd be  
16 more in favor of it as well at the time  
17 of application, especially after looking  
18 at the resources provided by the  
19 coalition, I thought were great. With  
20 the amount of training that they do and  
21 what they're able to offer, especially  
22 when somebody goes in to fill out that  
23 application and -- we had a case recently  
24 where service doesn't happen right away,  
25 and that safety planning piece I think is



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1 crucial. And if service doesn't happen,  
2 not for a lack of attempt but just trying  
3 to locate, we've had circumstances where  
4 the person shows up at the residence  
5 trying to gain access. And I think that  
6 safety planning at the time of  
7 application is critical, where if an  
8 advocate were there, they'd be able to  
9 help with that so. I'm more in favor of  
10 at the courts more often than I think  
11 they are now.

12 MR. ENDRES: Well, someone had  
13 mentioned advocates at the courts earlier  
14 and I maybe misremembering this, but I  
15 seem to recall a time fifteen years ago  
16 when, at least in Concord, there was an  
17 AmeriCorps advocate who is at the  
18 courthouse full time through the crisis  
19 center in New Hampshire. And again, my  
20 recollection was that an issue had come  
21 up where the court didn't like the fact  
22 that the advocate had access to the  
23 clerk's office, and that was the end of  
24 the advocate at the courthouse.

25 But I seem to recall at one point at



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1 least, there were advocates in the  
2 courthouses sort of waiting for people to  
3 walk in and apply for protective orders.

4 CHIEF HOBBS: So I guess just to go  
5 back on that real quick was looking over  
6 this. It provided a lot of information,  
7 but what do other states do and what are  
8 they paying. I'm looking at the average  
9 pay here for -- you know, we're trying to  
10 build upon that program, well, it might  
11 be a funding thing where more funding is  
12 needed to make that happen. So I'd just  
13 be curious to see what other states are  
14 doing in terms of that.

15 INV. BERNIER: I'd like to stir  
16 something into this that's totally  
17 outside the court system. And when I  
18 spent a bazillion years at Portsmouth PD,  
19 and Portsmouth has a full time advocate.  
20 We had an AmeriCorps advocate for a  
21 number of years. We ended up with a part  
22 time position that was grant funded, and  
23 then I had the previous chief put  
24 together a job description, and there are  
25 two grants that fund it currently. A



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1 VAWA grant and I can't remember what the  
2 other one is offhand.

3 There is something to be said, the  
4 system itself can't necessarily fund all  
5 these things and volunteer organizations  
6 and nonprofits. But there is something  
7 to be said about kicking some of this  
8 back to the local level in partnering  
9 with your law enforcement agencies to be  
10 able to have an advocate with your  
11 department that's not only there to go in  
12 for victim based crimes in court or  
13 working with the investigators and the  
14 officers prior to getting kicked up to  
15 the county attorney's level where an  
16 advocate is assigned. But our advocate  
17 would go and do those things over at the  
18 court.

19 I know that a lot of agencies don't  
20 have those types of resources, but  
21 certainly your bigger departments do.  
22 There's nothing to be said that a lot of  
23 towns share prosecutors. They do job  
24 share with prosecutors who are, you know,  
25 four or five towns might join in. There



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1           is no reason why that couldn't be kicked  
2           around and throw that back at the local  
3           level as well, and then you're leaving it  
4           up to a community to hire that person.  
5           Obviously, they would go through a  
6           standard training et cetera, but it was a  
7           phenomenal asset to have as an  
8           investigator as a front line officer and  
9           have that individual be able to work with  
10          the court system as well.

11           JUDGE HANTZ MARCONI: Yeah. I had  
12          experience with a case in Hudson where  
13          there was a local police affiliated  
14          advocate who worked both on the criminal  
15          side and in the civil DV side. That's  
16          interesting.

17           CHIEF HOBBS: I would love to have a  
18          victim advocate. That would be very  
19          helpful.

20           MS. FREEMAN: The challenge with a  
21          law enforcement based advocate because  
22          they're not typically under RSA 173 state  
23          confidentiality, correct me if I'm wrong.  
24          So they can provide some of that safety  
25          planning support, but it's not



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1 confidential in the same way. So it does  
2 get another body in there who can help,  
3 and sometimes a body is better than no  
4 one, but it does it have that drawback  
5 under our current statute.

6 JUDGE HANTZ MARCONI: And the  
7 statute could -- could, perhaps at the  
8 request of maybe some I don't know,  
9 chiefs of police, could be expanded to  
10 include those folks under 173-C maybe.

11 INV. BERNIER: I think it's also,  
12 it's in a sense of drawback with that  
13 confidentiality piece in terms of victims  
14 reporting something to that advocate.

15 However, when you have those  
16 partnerships, I can't tell you how many  
17 times that Bree (ph.) and I, and one or  
18 two people from HAVEN and a DOVE attorney  
19 would end up in a courtroom with a victim  
20 together. So if you have that open  
21 communication, then that advocate, say at  
22 the local department level, understands  
23 what their role and isn't and is  
24 partnering with those resources from your  
25 crisis centers, and the victim



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1           understands the do's and don'ts, then  
2           you're at least plugging something in so  
3           that you have an availability for those  
4           services because that person can  
5           certainly go over and do a petition and  
6           be available with the police department  
7           in terms of when the crime is happening  
8           and to help responding that, but it's  
9           really more kind of a segue way maybe.  
10          But working in conjunction with the  
11          services that we already have out there  
12          so that you don't necessarily need that  
13          confidentiality piece for the role that  
14          the advocate would play in that setting.

15           JUDGE HANTZ MARCONI: Interesting.

16          FEMALE SPEAKER: Also, I would just  
17          like to say that we have had quite a few  
18          of our -- where's Merrill? Merrill,  
19          around the state, some of our assistance-  
20          based advocates subpoenaed as witnesses.  
21          So we just need to be -- I just need to  
22          think it out a little bit more. We just  
23          hired someone from Plaistow PD who was a  
24          victim advocate, and she partnered with  
25          HAVEN all the time and she did know those



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1 dos and don'ts. And Kristyn, I am very  
2 familiar with her advocate, she's a rock  
3 star.

4 But I just want to make sure that  
5 people understand because they do have  
6 confidentiality, we are the ones that  
7 call them for that support because they  
8 can do so much more than we can.

9 Merrill?

10 MS. BEAUCHAMP: I would agree with  
11 that. There have been very few  
12 occasions -- well, I shouldn't say very  
13 few, but I have accompanied victims to  
14 district court to help them with  
15 restraining orders, but it's not  
16 something that's typically in the systems  
17 based, at least the county attorney's  
18 office advocates' ability to even do  
19 something like that because of all of our  
20 other responsibilities. So we rely  
21 heavily on our relationships and  
22 communications with the crisis services  
23 to ensure that there's an advocate that  
24 can accompany a victim to get a civil  
25 protective order.



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1                   We have in Hillsborough County, I  
2                   want to say, absolutely our two largest  
3                   police departments do have victim  
4                   advocates in their domestic violence  
5                   unit. And we have a handful of other  
6                   police departments, Hudson being one of  
7                   them, that actually have a police  
8                   department advocate.

9                   They may have a little bit more  
10                  time, and as Kristyn said, you know,  
11                  they're a little bit more on the local  
12                  level and have good relationships with  
13                  the crisis service too. But again, the  
14                  confidentiality, you have to be very  
15                  clear with victims who are insisting  
16                  about that and feel much more comfortable  
17                  when we do have the resources of a crisis  
18                  service advocate to help with the  
19                  petition.

20                  JUDGE HANTZ MARCONI: All right.

21                  Pivoting to lawyers, legal counsel. We  
22                  know we have the DOVE program, which  
23                  doesn't provide enough legal services  
24                  despite all Pam's efforts. And I also  
25                  know that the Access to Justice



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1           Commission is looking at ways to increase  
2           pro bono participation across the board.

3           That may be CLE credit or there are all  
4           sorts of initiatives over there.

5           But what are the needs here, in this  
6           space that would make the most sense?

7           Again, lawyers assigned on a case-by-case  
8           basis, lawyers available at the crisis  
9           centers, lawyers available at the  
10          courthouse. What's the wish list?

11          Lawyers available to police departments?

12          MS. DODGE: That might be  
13          something -- I think building  
14          partnerships with police departments is  
15          something that's been on my wish list for  
16          a long time. So I do think that's  
17          certainly something to consider.

18          One of the problems that I see is a  
19          changing of the guard of the lawyers in  
20          private practice. So there's a different  
21          atmosphere, and I'm not -- and this is  
22          kind of a broad statement. So I look at  
23          my panel, and I see a lot of attorneys  
24          who are retiring, attorneys who have gone  
25          to work -- that were in private practice,

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1           but find it more advantageous to go into  
2           working for the state or to take other  
3           positions because it's very hard to keep  
4           up a really good practice and do a lot of  
5           volunteer work as well.

6           We work --

7           JUDGE HANTZ MARCONI: And we do know  
8           a little statistic that shocked me, but  
9           thanks to Ed Philpot who started  
10           advertising, I think it's eighty-five  
11           percent of the lawyers in New Hampshire  
12           are solo practitioners, solos.

13           MS. DODGE: And they bear the brunt.

14           JUDGE HANTZ MARCONI: Right.

15           MS. DODGE: They really do. When  
16           I'm talking to private attorneys, there's  
17           only so much that they can do. And they  
18           get tapped not just from the Pro Bono  
19           Program, but from just people in  
20           professional settings, church groups, and  
21           boards, and I mean, they are tapped  
22           constantly, and so it's a juggling act  
23           for them. And there's oftentimes the  
24           private attorneys don't have the support  
25           staff that they need. So not only are



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1           they doing the legal work, but they're  
2           doing the administrative work too. So  
3           it's a pretty heavy burden on the private  
4           bar.

5           We do work with firms, and we work  
6           on building relationships with the law  
7           school and bringing in Daniel Webster  
8           scholars. It is a constant chasing my  
9           tail, reconnecting with lawyers and  
10          getting them linked with clients. And  
11          then it's having attorneys in the area or  
12          the state where is the greatest need.

13           JUDGE HANTZ MARCONI: Does it make  
14          sense or has COVID taught us anything  
15          about perhaps altering, if you will, the  
16          scheduling of DV cases in particular --

17           MS. DODGE: Yes.

18           JUDGE HANTZ MARCONI: -- remote  
19          access to facilitate that geographic --

20           MS. DODGE: Um-hum.

21           JUDGE HANTZ MARCONI: -- disparity?  
22          I recall back in the day, you're going  
23          there for a DOVE case, and you sit  
24          through the call of the list. So that  
25          makes it a little more difficult to do it



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1                   in an efficient way.

2                   MS. DODGE: Um-hum. So putting the  
3                   attorneys on the docket early is  
4                   certainly a benefit for most of the  
5                   cases.

6                   One thing that I did learn from  
7                   COVID for experienced attorneys, it's an  
8                   opportunity for them to help with it  
9                   where the need is greatest. So I have  
10                  attorneys who would do telephonic or  
11                  Webex hearings anywhere in the state. So  
12                  it really expanded possibilities for  
13                  areas where there was very limited  
14                  resources.

15                  The other thing that I -- I mean,  
16                  it's kind of (indiscernible) too, from  
17                  what the attorneys -- the feedback from  
18                  attorneys because providing offers of  
19                  proof or other things in the middle of a  
20                  hearing when you're on a telephonic  
21                  hearing is problematic. You also can't  
22                  see your client's face if you're on the  
23                  phone, you can't -- I mean it's a very  
24                  challenging situation to be in. I mean,  
25                  I would encourage more Webex hearings if



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1           that would be possible rather than --

2           JUDGE HANTZ MARCONI: You also have

3           that -- you're right. You can't submit,

4           often because of the timing, you don't

5           have time to submit documents ahead of

6           time so that everybody has a piece of

7           paper in their hand. But certainly in

8           many cases that don't need documents for

9           example, a Webex hearing might be

10          sufficient.

11          MS. DODGE: Yes. And I do also -- I

12          mean, I think there are a lot of

13          attorneys out there who want to do the

14          work, but there are some firms that are

15          not necessarily pro bono friendly. And I

16          do think that working and maybe getting

17          some court involvement with those law

18          firms might tip the scales a little bit

19          or recognition that the need is so great

20          and the court appreciates their

21          representation.

22          And it's not -- and I'm not

23          disparaging any firm, I think there are a

24          lot of firms that have a very pro-bono-

25          minded business model. There are some



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1           firms that don't. And it would help to  
2           have collective voices coming in and  
3           saying, this is a huge need in our state.

4           JUDGE HANTZ MARCONI: This may be a  
5           really dumb question, but again, that's  
6           what I'm here for. What about the  
7           government lawyers?

8           MS. DODGE: Well --

9           JUDGE HANTZ MARCONI: Are they  
10          available to you?

11          FEMALE SPEAKER: Well, I do have an  
12          attorney or two that works for the  
13          government, but again, it takes a very  
14          seasoned attorney to be able to go in and  
15          say, hey, I'm going to do this, and I can  
16          keep my balance with my day job from my  
17          volunteerism. So I don't think you're  
18          going to get that from a new attorney  
19          who's not going to have that standing to  
20          go into their supervisor and say, this is  
21          very important to me and --

22          JUDGE HANTZ MARCONI: Unless it came  
23          from the top, so to speak.

24          MS. DODGE: Yeah. Yes.

25          JUDGE NICOLOSI: I'm curious, Kim, I



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1 know as a judge in Superior Court our  
2 petitions, I don't do the 172-B hearings  
3 anymore. But I do often hear restraining  
4 orders, and we have a very loose  
5 petition, which means there's no real  
6 guidance when somebody is looking for  
7 something. And the petition is really  
8 important to me because it kind of sets  
9 the stage. And often what I find with  
10 pro se people is they get nervous, and  
11 then they don't focus their presentation.  
12 And it just goes off the rails unless I  
13 take a role, and it's always difficult to  
14 figure out where to land on doing a  
15 direct examination of somebody who's a  
16 victim, potentially a victim. Whether  
17 DOVE allows people to do parts of  
18 representation?

19 Like instead of coming in and having  
20 to appear in court, maybe just having a  
21 session by Webex or some means to help  
22 somebody do that petition. We talked a  
23 little bit about the guided interviews,  
24 and it strikes me that with Webex, a  
25 lawyer could really spend an hour with



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1           somebody and just do a really good  
2           petition because then I can start my  
3           hearing saying is everything in the  
4           petition truthful and accurate and begin  
5           there, which is what I've started doing,  
6           but it means the petition has to really  
7           have some structure.

8                 MS. DODGE: I absolutely think there  
9                 is a lot of value to what you're  
10                suggesting. The DOVE Program has been  
11                built on, historically -- and that  
12                doesn't mean it can't change, has been  
13                built on providing attorneys to represent  
14                clients at the hearing itself.

15                JUDGE NICOLOSI: Um-hum.

16                MS. DODGE: But I do think, and I  
17                know New Hampshire Legal Assistance, and  
18                Erin and Mary can talk about this, have  
19                really tried to get out and embed lawyers  
20                with the different crisis centers, and I  
21                think the advocates were very happy with  
22                that service. And again, I don't want to  
23                speak for NHLA. I've had private  
24                attorneys do that role in the past as  
25                well. It's, I think, a model that we



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1           should definitely build upon again. It  
2           takes --

3           JUDGE HANTZ MARCONI: It may be  
4           more --

5           MS. DODGE: -- (indiscernible) --

6           JUDGE HANTZ MARCONI: -- to do, and  
7           it may also be more attractive to  
8           practitioners who don't want to go to  
9           court.

10          JUDGE NICOLOSI: Yeah. And I don't  
11          know if this would cross the line or if  
12          the courts can do this, but maybe police  
13          departments or the crisis centers could  
14          do it, but I know in Merrimack County we  
15          used to have SCORE program where lawyers  
16          would come volunteer their time for just,  
17          I think it was an hour we would agree we  
18          would come to the Superior Court, spend  
19          an hour or two, and I often would go for  
20          the whole time, and people would just  
21          come in. And you would sit with them and  
22          kind of give them a little bit of time  
23          just to help them identify whether they  
24          had a case, where they can go to find a  
25          lawyer, and just kind of guide them.



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1 MS. DODGE: Um-hum.

2 JUDGE NICOLOSI: Way, way back when  
3 I had a brother-in-law who had started a  
4 program, he was a businessman, and he had  
5 paired with a professor from Maryland,  
6 and I think a marketing guy. And the  
7 three of them put together this idea,  
8 which morphed into (indiscernible) and  
9 everything else, where they solicited a  
10 lawyer from every state, and they were  
11 doing credit cards and worked for  
12 companies and the people could call,  
13 maybe paired with a lawyer, they'd call  
14 an 800 number.

15 The business model was a fifteen-  
16 minute model. The lawyer was supposed to  
17 talk with them on average, fifteen  
18 minutes. And that might mean you'd talk  
19 to someone for five and you might talk to  
20 somebody for thirty, and they paid a flat  
21 fee for that service.

22 And it strikes me that maybe a  
23 lawyer might be willing to say, okay,  
24 I'll be available by Webex for two hours  
25 on a Tuesday morning or a Wednesday



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1                   afternoon, and whoever calls in, I'll  
2                   communicate with them on Webex if the  
3                   other side of that could be provided by  
4                   the police department or an agency or the  
5                   court or somebody just to do a petition,  
6                   to talk through the process and do a  
7                   petition.

8                   MS. DODGE: And we did something  
9                   very similar in the family law arena on  
10                  that where -- for the North Country. It  
11                  was called the North County Outreach.  
12                  Where we linked volunteers with crisis  
13                  centers up north, and they offered like  
14                  an afternoon every month for four hours,  
15                  where they were available by telephone to  
16                  chat with survivors who needed advice on  
17                  any -- it wasn't specifically DOVE or  
18                  protective order related cases, but it  
19                  was family law or whatever it may have  
20                  been. And it was effective for a while,  
21                  and then it just kind of slowed down so.

22                  MS. JASINA: So I will say that --  
23                  and that was a great question. And this  
24                  is something that NHLA was doing when we  
25                  first got our VOCA funding. Actually, it



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1 was the real purpose of our initial VOCA  
2 grant was to provide onsite legal  
3 assistance to victims and survivors  
4 specifically to fill out the petitions.

5 And the reason for doing that was  
6 that we thought if we got a victim in a  
7 great position with a really strong  
8 petition, that if they were not able to  
9 obtain representation for the hearing,  
10 that they would be in a much better  
11 place, better positioned, and more likely  
12 for that order to be granted. And I  
13 think -- well, I don't think, I know the  
14 program was successful. The problem with  
15 that approach was that we were spending  
16 so much time providing those unbundled  
17 appointments that it took away from our  
18 resources to provide the representation  
19 at the court hearings.

20 So when Pro Bono and LARC merged to  
21 form 603 Legal Aid, we made a decision  
22 between our agencies that NHLA was going  
23 to focus our very limited resources on  
24 providing the direct representation at  
25 the final protective order hearings. And



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1           then those who were not able to get  
2           assistance or representation at the final  
3           hearings, either through a DOVE attorney  
4           or through NHLA, that those folks could  
5           either, before the hearings to get legal  
6           advice through 603 Legal Aid through a  
7           phone consult, or if we were not able to  
8           place that person with an NHLA attorney  
9           or a DOVE attorney, that that person  
10          would get advice on the process and how  
11          to prepare for the hearing.

12           So I would love to be able to go  
13          back to a model where we were able to do  
14          both. But with our very limited  
15          resources we just haven't been able to do  
16          that.

17           I would love to see us do some kind  
18          of clinic model be embedded at the  
19          courthouse. We talked about this a few  
20          times. It actually came up through the  
21          Family Justice Center model in Strafford  
22          County. We were looking into maybe doing  
23          a model clinic there. But something  
24          along the lines of it can be a  
25          (indiscernible) clinic that we



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1           participate in or the new eviction clinic  
2           that we run. It would be great to have  
3           really a two-step process type clinic.  
4           So step 1 there is a petition clinic,  
5           where somebody can come in, and there's a  
6           legal advocate there who can provide  
7           assistance with drafting the petition.  
8           And then if there were specific docket  
9           days where final protective order  
10          hearings were scheduled, then we could  
11          have a legal advocate embedded on those  
12          days to, you know, here's the file, I  
13          need assistance, let me review it, talk  
14          to the client very quickly, a conflicts  
15          check, and then really just have the  
16          ability to jump in and do the hearing, if  
17          necessary.

18           I would love to be able to see  
19           something like that. I think we would be  
20          interested in partnering with whomever we  
21          need to do, whether it's the UNH Law  
22          School, private attorneys, NHLA is  
23          definitely interested in considering that  
24          as an option.

25           And I know we're running out of



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1 time, so I just want to mention, too,  
2 that we've definitely looked at and  
3 discussed increasing access. We know  
4 that limited resources is a real issue  
5 and barrier for people. But we are  
6 working on a bill right now, it's House  
7 Bill 1343, and it's scheduled for a  
8 hearing tomorrow. And this would allow  
9 certain paraprofessionals who are  
10 supervised by attorneys to provide  
11 representation in certain types of cases.

12 And right now we're looking at  
13 divorce and parenting cases and certain  
14 landlord-tenant cases. It does not  
15 include 173-B at this point, but that's  
16 certainly something that we could  
17 consider adding. And it would be a pilot  
18 program allowing paraprofessionals with  
19 particular training and, again,  
20 supervised by attorneys, to provide  
21 representation in those particular types  
22 of cases. And the pilot would be in the  
23 Manchester Circuit Court as well as the  
24 Berlin Circuit Court.

25 So I just wanted people to be aware



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1 of that. We are really trying to be  
2 creative in how we can increase access,  
3 and that might be one way for us to do  
4 it.

5 JUDGE HANTZ MARCONI: That is great.  
6 Does the Access to Justice Commission,  
7 are they aware or involved with that at  
8 all?

9 MS. JASINA: Yes. I believe so.

10 MALE SPEAKER: Yes.

11 MS. JASINA: And Mary, I don't know  
12 if you want to add anything to what I  
13 just said.

14 MS. KRUEGER: No.

15 MS. SEXTON: I'd just say really  
16 quickly that the federal funding for the  
17 civil legal services, specific to  
18 domestic violence cases, is highly  
19 competitive and is not typically stable,  
20 and I think that a very valuable  
21 recommendation from this committee would  
22 be asking for a specific state  
23 appropriation through the next budget to  
24 fund this type of service.

25 JUDGE HANTZ MARCONI: And where does



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1           that -- it would take some thinking, but  
2           where does it go. Well, we know where it  
3           comes from, but where does it go into an  
4           agency that dishes out grants, or I mean,  
5           that's sort of the second piece. How do  
6           we fund these things? Does it go to the  
7           crisis centers, does it go to NHLA from  
8           the state? Does it go to -- I don't  
9           know. So we'd have to track how it would  
10          be spent but interesting to have a state  
11          component.

12           I think the idea of docket days as  
13          opposed to a geographic docket -- and  
14          again, I'm sure and Mary Barton is on  
15          here. I'm sure the clerks probably would  
16          you know, their hair is going to turn  
17          white, but trying to gather the DV cases  
18          in certain time frames might help this  
19          staffing allocation, so it's not five  
20          days a week. Although we know there are  
21          always going to be emergencies. But  
22          outside of that, can you gather DV cases  
23          into certain days?

24           JUDGE CARBON: So just this  
25          morning --



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1                   JUDGE HANTZ MARCONI: Go ahead.

2                   JUDGE CARBON: Yeah. That currently  
3 happens --

4                   JUDGE HANTZ MARCONI: Okay.

5                   JUDGE CARBON: -- in Manchester. So  
6 we have certain days where we do final  
7 hearings because we have a high enough  
8 volume. It may be easier in a large  
9 court to do that as opposed to a smaller  
10 court that has fewer dispersed throughout  
11 the week.

12                  And one other comment on Pam's  
13 suggestion though, which can be a great  
14 suggestion in terms of how hearings  
15 scheduled for pro bono attorneys when  
16 they're going to be involved. At the  
17 time though that a petition is filed we  
18 don't know that they're going to have a  
19 pro bono lawyer. So we schedule it on  
20 the docket, and the hearing notice itself  
21 has the date and time. And often it's  
22 subsequent to that time that we get  
23 notice that there's an attorney involved.  
24 And we can't then reschedule the hearing  
25 necessarily. So that gets a little bit



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1 complicated if we knew the dates and  
2 times, then we can work with a Pro Bono  
3 Program to try to schedule when a pro  
4 bono lawyer might be available, that can  
5 happen, but it depends on the model. And  
6 Erin's model might be more workable for  
7 that kind of thing.

8 And I just want to come back to one  
9 other comment that Pam suggested, that  
10 the large firms don't contribute as much  
11 pro bono time. If we actually had  
12 numbers that showed us that solo  
13 practitioners devote X number of hours or  
14 handle so many cases, as opposed to large  
15 firm lawyers, some of it was quantifiable  
16 that we could take to the chief, I can't  
17 imagine that he wouldn't be willing to  
18 have a conversation with some of the  
19 directors of the large firms.

20 He's a very aggressive supporter of  
21 pro bono and ensuring that we're  
22 delivering good legal services and Access  
23 to Justice. So if there's a way to  
24 actually get some numbers around that, I  
25 would think the chief would be very



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1 receptive to hearing that and considering  
2 that --

3 JUDGE HANTZ MARCONI: And that  
4 may -- right. That may be part of, I  
5 know again Access to Justice is doing --  
6 is looking into models to award CLE  
7 credit for pro bono service and that may  
8 produce some numbers as well, but yes.

9 MALE SPEAKER: Yes.

10 JUDGE HANTZ MARCONI: It's always  
11 good to know because when you get the  
12 eighty-five solos and then you move up to  
13 ninety percent or in firms of five or  
14 less, and I know when I was in a small  
15 firm, it's hard to balance your pro bono  
16 work with your partners' expectations of  
17 you pulling your weight. So it's not an  
18 intractable problem.

19 MR. VICINANZO: Justice, can I  
20 address that as somebody who is in a big  
21 firm and also a former partner of the  
22 Chief Justice, I've been on the receiving  
23 end of some of his aggressive pro  
24 advocacy. He's been wonderful on that.

25 And I do have a quick story.



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1 Recently, he set up a task force to  
2 address the indigent defense crisis. And  
3 I can tell you that, you know, it's  
4 arguable, I kind of feel ashamed  
5 sometimes when I hear about all the work  
6 that one-lawyer, three-lawyer firms do in  
7 the pro bono area and how little  
8 relatively the bigger firms do.

9 And these are firms that have  
10 probably benefitted disproportionately  
11 financially from the legal profession. I  
12 mean, for good reason, but still,  
13 arguably, we really owe more to the  
14 community than others perhaps. I think  
15 we're very underrepresented.

16 I think a lot of time those folks  
17 running large firms are not even  
18 litigators, they're real estate lawyers,  
19 corporate lawyers, and they're driven  
20 largely by immediate partner demands for  
21 bottom line performance, things like  
22 that. And they don't hear enough about  
23 the need for pro bono representation.

24 It's not that they're not good folks,  
25 they are, but sometimes it's easy when



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1           you're in the maelstrom of business to  
2           kind of forget about the fact that we're  
3           a profession and that we owe something  
4           back to the community.

5           What the Chief Justice did recently  
6           though was to make a lot of personal  
7           phone calls to all the big firms in the  
8           state and then followed up with letters  
9           to the managing partners and made a  
10          personal appeal for lawyers to represent  
11          indigent defendants and to take care of  
12          some of the backlog. It worked very,  
13          very well.

14          I worked closely with Sarah Hudson  
15          at the judicial counsel, and we are now  
16          completely caught up, not for long,  
17          there's going to be a new wave of  
18          indictments soon, and then we'll be  
19          behind again. But at least we did take  
20          out the backlog largely, and we're not as  
21          desperate as we were a couple of months  
22          ago.

23          But I suggested to the Chief Justice  
24          that maybe he should try to make this a  
25          more permanent feature of big-firm life.



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1       One of the things about it is we have a  
2       lot of younger attorneys who never get to  
3       go to court and are dying for experience,  
4       and this stuff can be very interesting.  
5       Certainly a lot more interesting than  
6       drafting an extensive lease agreement or  
7       something sometimes. And actually  
8       getting into court and actually seeing  
9       real human beings and judges or how it  
10      works. So for that reason alone, it's a  
11      great training experience for bright,  
12      young lawyers that really want the  
13      experience and want to actually do some  
14      good in society.

15           But it's also something that I think  
16      more experienced lawyers, it's really  
17      incumbent on them to take on some of the  
18      obligations of the profession, and it  
19      seems to me this would be well tailored  
20      for that.

21           And I can't tell you how influential  
22      it is for a judge to call, especially the  
23      chief judge and say we need you. And I  
24      really need your help, and I'm going to  
25      follow up with you next week for a list



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1 of people who can help. It really has  
2 produced some real fruits, and I would  
3 recommend that we think about making  
4 those appeals. And maybe something to  
5 create some bit of a system something to  
6 make it permanent. Maybe it's something  
7 where every year there is some sort of a  
8 celebratory dinner or something like that  
9 that kind of builds it into the  
10 profession and sort of makes it part of  
11 our professional obligations. I don't  
12 think we see enough of that sometimes.

13 JUDGE HANTZ MARCONI: Well, another  
14 little secret from my big-firm experience  
15 is demystifying family and domestic  
16 violence in particular, trying to get  
17 peers, who were colleagues, who were in  
18 real estate or in corporate, they're  
19 afraid of the issues encountered in  
20 domestic violence cases. They don't  
21 think they're competent, and so that's  
22 another piece that has to be addressed  
23 because they fear they aren't qualified.

24 MR. VICINANZO: I know.

25 JUDGE HANTZ MARCONI: And so they



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1 have to deal with that as well.

2 MR. VICINANZO: Yes.

3 JUDGE NICOLOSI: Well, we  
4 appreciate -- the Superior Court has seen  
5 lots of people including you, appearing  
6 in a lot of these cases with where  
7 conflict counsel, and it's nice to see  
8 everybody stepping up and doing it, we  
9 really noticed it and appreciate it.

10 MS. DODGE: You know, Dave, I really  
11 like what you're saying. And the other  
12 thing is that pairing somebody like  
13 yourself with a newer attorney or even  
14 another firm attorney would be a great  
15 incentive for --

16 MR. VICINANZO: Yeah.

17 MS. DODGE: -- somebody to join the  
18 panel. So not only are we getting that  
19 feedback from the justices but also from  
20 very seasoned and experienced and well-  
21 regarded attorneys in private practice.

22 JUDGE NICOLOSI: I will say in this  
23 day and age I see so few young civil  
24 lawyers because so much is resolved by  
25 alternative dispute resolution. We



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1           really, most things like motions for  
2           summary judgment, motions to dismiss are  
3           decided on paper. We don't have  
4           structuring conferences anymore in  
5           person. So I see very few young lawyers,  
6           and it seems to me it's a great  
7           opportunity for them to come and see what  
8           the inside of a courtroom looks like.

9           MR. VICINANZO: Yeah. Yeah. I'd  
10          also just add that people really do like  
11          to be asked, and if they haven't been  
12          asked in several years -- one of the  
13          things recently I looked up Shaheen and  
14          Gordon, there was only one lawyer  
15          participating in the Chief Justice's  
16          effort.

17          And I looked up in Martindale, and I  
18          saw -- I know them all. Well, all of the  
19          criminal lawyers, but there's twelve or  
20          fifteen of them that do criminal law or  
21          ten criminal law, and I called every one  
22          of them. And they all said, oh, I didn't  
23          really know it was a problem, so okay,  
24          yeah, I can take a couple of cases. They  
25          just need to be -- they're not --



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1 sometimes we're oblivious of what's  
2 around us, and sometimes just asking will  
3 get results. So I think as something as  
4 simple as asking, and sometimes the  
5 asking from the top really could produce,  
6 could increase our numbers of people  
7 participating.

8 JUDGE HANTZ MARCONI: All right.

9 We're beyond our soft ending time. Any  
10 other random comments on this -- random  
11 or nonrandom on this topic? And again,  
12 this is not the end only the beginning.

13 Any thoughts that come to you while  
14 driving home or cooking dinner or  
15 whatever it is, feel free to circulate or  
16 send in or upload. Don't forget to look  
17 at our documents in Dropbox, there's some  
18 good stuff in there.

19 And we will pick it up on Thursday  
20 with a little cooperation among all the  
21 groups. I think we started talking about  
22 that today, but we will pick it up on  
23 Thursday. Thank you.

24 MR. VICINANZO: Okay.

25 JUDGE HANTZ MARCONI: Again, thank



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## Meeting

1 C E R T I F I C A T I O N

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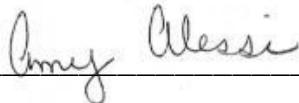
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15 New York, NY 10001

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